

30. (Previously presented) A method according to claim 28, wherein the fluid is ammonia.

31. (Previously presented) A method according to claim 28, wherein the fluid is hydrocarbons.

REMARKS

By this Amendment, Applicants have canceled claim 27 without prejudice or disclaimer of the subject matter thereof and amended claims 15 and 28 to more appropriately define the invention. Claims 15-26 and 28-31 are currently pending.

In the Office Action, the Examiner objected to the drawings; objected to claim 15 because of a minor informality; and rejected claims 15-31 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent 6,739,355 ("the '355 patent") in view of U.S. Patent No. 3,858,616 to Thierry et al.

Applicants respectfully traverse each of the objections and rejections as detailed above for the following reasons.

Objection to the Drawings

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) alleging that "[n]o figure illustrates a spirally wound internal pressure armor in the inner liner, as recited in claim 15." Office Action on page 2. Applicants respectfully traverse the objection and submit that the figures illustrate each and every element of claim 15.

Figures 1 and 2 are figures that generally show the relationship between the different layers of flexible pipe 4. Figure 1, for example, shows a carcass 1 consisting of a spirally wound metal band 2, with the carcass located within the inner liner 3. Further, Figs. 3-8 illustrate different profiles. As disclosed in the specification on page 9, these profiles can be used as an internal pressure armor in the inner liner. Therefore, the drawings (the general Fig. 1 and the detailed Figs. 3-8), illustrate a carcass consisting of a spirally wound metal band 2 within the inner liner 3 illustrates “a spirally-wound internal pressure armor within the inner liner,” as recited in claim 15.

Accordingly, Applicants respectfully request the objection to the drawings under 37 C.F.R. § 1.83(a) be withdrawn.

Objection to the Claim

On page 3 of the Office Action, the Examiner objected to claim 15 because of a minor informality. In response, and as suggested by the Examiner, Applicants have amended claim 15 to replace the phrase “in the inner liner” with “within the inner liner.” Accordingly, Applicants deem the objection to claim 15 to be overcome.

Rejection for Obviousness-Type Double Patenting

On pages 3-5 of the Office Action, the Examiner rejected claims 15-31 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of the ‘355 patent in view of Thierry et al. Applicants do not acquiesce to the Examiner’s statements or the conclusions set forth in the Office Action. The Examiner, for example, on page 4 of the Office Action, states that “the ‘355 reference

does not disclose providing [a] spirally wound pressure armor within the inner liner.”

However, the '355 patent is the parent application to the present application and includes the same specification. Further, as discussed above, the specification discloses a carcass 1 consisting of a spirally wound metal band 2.

More significantly, the Examiner has improperly referred to the *disclosure* of the '355 patent, as opposed to analyzing what is claimed. The M.P.E.P., however, clearly sets forth that “[w]hen considering whether the invention defined in a claim of an application is an obvious variation of the invention defined in the claim of a patent, the disclosure of the patent may not be used as prior art.” M.P.E.P. § 804. Accordingly, the Examiner’s analysis of the '355 patent to allege an obviousness-type double patenting rejection is flawed. Accordingly, Applicants request the Examiner to withdraw the rejection and to allow the claims.

Should the Examiner maintain the rejection of the claims on the basis of obviousness-type double patenting, Applicants would be willing to submit a terminal disclaimer to advance prosecution of the case and to obtain the allowance of the pending claims, assuming that the objections to the drawings and the claims are withdrawn.

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of claims 15-26 and 28-31.

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Please grant any extensions of time required to enter this paper and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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